

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

A. ROCIO BRIMHALL-MANGANO,

Plaintiff,

vs.

Civ. No. 97-598 MV/WWD

DR. OLEN PAUL MATTHEWS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff's Motion to Compel Defendants' Responses to Interrogatories and Request for Production of Documents filed June 12, 1998. Plaintiff seeks an order directing Defendants to answer fully and completely the Interrogatories in Plaintiff's First Set of Interrogatories and directing Defendants to respond to the document requests in Plaintiff's First Request for Production of Documents. Defendants have filed a "Response to Plaintiff's Motion to Compel, Motion to Strike or In the alternative Motion for Extension of Time." The basis for the motion to strike is that Plaintiff failed to serve his motion to compel within a timely fashion as required by D.N.M.LR-Civ. 26.6. Plaintiff points to the latitude given by Plaintiff to Defendants on their discovery response time, and then Plaintiff asserts that the Defendants would suffer no prejudice if the motion to compel were granted. Defendants also object to the number of interrogatories notwithstanding my Order of October 6, 1997, which permitted 50 interrogatories. Defendants either give unsatisfactory answers or object to interrogatories 1-4, 7-20, and 24-37; and Defendants follow a similar course with most of the requests for production. A number of the interrogatories and the requests for production

are clearly objectionable; otherwise, I might conclude that because the Defendants are improperly resisting discovery, that Plaintiff should be allowed to file a motion to compel out of time. I mention this as a caution to both sides. I do not condone unnecessarily intrusive discovery simply because someone is a party to a law suit, and I will not countenance “stonewalling” by a party resisting discovery. Each side of this law suit would do well to keep these things in mind. The Motion to Compel [docket #40] is untimely and should be denied. The Motion to Strike [docket #42] is unnecessary and should be denied. Each side will bear its own costs in this motion.

Discovery should proceed in accordance with the foregoing.

IT IS SO ORDERED.

  
UNITED STATES MAGISTRATE JUDGE